

## AMENDMENTS TO THE CLAIMS

### **1 - 14. (Cancelled)**

**15. (Currently Amended)** An access unit which accesses a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, the access unit comprising:

a recording section for recording test data based on a predetermined test condition in the user area during recording of the user data in the user area;

a reading section for reading the test data recorded in the user area by the recording section; and

an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium.

**16. (Previously Presented)** The access unit according to claim 15, further comprising a registering section for registering a test-record area in which the test data is recorded within the user area.

**17. (Previously Presented)** The access unit according to claim 16, wherein the registering section registers the test-record area as a defective area.

**18. (Currently Amended)** The access unit according to claim 15, wherein the recording section records the test data in a position which is a predetermined distance ~~apart from, in the radius directions~~ a radial direction of the record medium, ~~from~~ a position in which user data is recorded within the user area.

**19. (Currently Amended)** The access unit according to claim 18, wherein the recording section begins recording the test data from a position which is a predetermined distance ~~apart from, in the radius directions~~ radial direction of the record medium, ~~from~~ a position in which user data finishes being recorded within the user area, and begins recording user data from a position

which is a predetermined distance ~~apart from,~~ in the ~~radius directions~~radial direction of the record medium, ~~from~~ a position in which the test data finishes being recorded.

**20. (Currently Amended)** The access unit according to claim 19, further comprising a registering section for registering, as ~~a defective area~~areas, a test-record area in which the test data is recorded within the user area, an area from a position in which user data finishes being recorded to a position in which the test data begins being recorded, and an area from a position in which the test data finishes being recorded to a position in which user data begins being recorded.

**21. (Currently Amended)** The access unit according to claim 18, wherein the recording section:

~~begins recording~~records the test data beginning from a position which is a predetermined distance ~~apart from,~~ in the ~~radius directions~~radial direction of the record medium, ~~from~~ a position in which user data finishes being recorded within the user area;

executes a return from a position in which the test data finishes being recorded to the position in which the user data finishes being recorded;

records user data up to the position in which the test data begins being recorded;

executes a movement from the position in which the test data begins being recorded to the position in which the test data finishes being recorded; and

begins recording user data from the position in which the test data finishes being recorded.

**22. (Currently Amended)** The access unit according to claim 18, wherein the recording section:

~~begins recording~~records the test data beginning from a position which is a predetermined distance ~~apart from,~~ in the radius directions of the record medium, ~~from~~ a position in which user data finishes being recorded within the user area;

executes a return from a position in which the test data finishes being recorded to the

position in which the user data finishes being recorded; and

begins recording user data from the position in which the user data finishes being recorded.

**23. (Previously Presented)** The access unit according to claim 15, wherein:

the reading section reads user data which is already recorded in the user area;

a record-state detecting section is further provided for detecting a record state of the user data read by the reading section; and

the recording section records the test data in the user area, based on a record state which is detected by the record-state detecting section.

**24. (Previously Presented)** The access unit according to claim 23, wherein the record-state detecting section detects at least one of a jitter value, an asymmetry value, an error rate and an M-index of the user data read by the reading section.

**25. (Previously Presented)** The access unit according to claim 15, wherein the recording section records the test data in a track adjacent to the user data.

**26. (Currently Amended)** An access method for accessing a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, ~~including said access method comprising:~~

~~a recording step of recording test data based on a predetermined test condition in the user area during recording of the user data in the user area;~~

~~a reading step of reading the test data recorded in the user area in the said recording step operation; and~~

~~an adjusting step of referring to the test data read in the reading step operation, and adjusting an access parameter for accessing the record medium.~~

**27. (Currently Amended)** ~~A computer-readable recording medium recorded with an access-~~

~~program for accessing a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, allowing,~~

~~an~~ An access unit which includes a recording section for recording data in a record medium that includes a user area for recording user data which is recorded and regenerated based on an instruction given by a user, and a reading section for reading data from a the record medium, to function as: and a computer-readable recording medium having recorded thereon an access program for causing the access unit to execute at least the following:

~~a record instructing section for~~ instructing the recording section to record test data based on a predetermined test condition in the user area during recording of the user data in the user area;

~~a read instructing section for~~ instructing the reading section to read the test data recorded in the user area by the recording section; and

~~an adjusting section for~~ referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium.

**28. (Currently Amended)** A control unit which controls an access unit, the access unit including a recording section for recording data in a record medium and a reading section for reading data from a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, the control unit comprising:

a record instructing section for instructing the recording section to record test data based on a predetermined test condition in the user area during recording of the user data in the user area;

a read instructing section for instructing the reading section to read the test data recorded in the user area by the recording section; and

an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium.